

## **REMARKS**

[0001] Claims 1-4, 6-10, 12-14, and 17 are all the claims pending in the application. The claims are amended for clarity. Claims 1 and 6 are amended for clarity to more particularly point out the classification as statutory subject matter. Claim 14 is amended as suggested by the Examiner to further clarify dependency on claim 13.

[0002] Applicant respectfully submits that entry of the currently amended claims is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal. Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed. Accordingly, no new issues are raised that necessitate a further search of art. Applicant respectfully traverses the rejections based on the following discussion.

### **I. The 35 U.S.C. §101 Rejection**

[0003] Claims 1-4 and 6 are rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. These rejections are respectfully traversed as explained below.

[0004] Claims 1-4 and 6 recite a computer-implemented method and therefore statutory subject matter. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

### **II. The Prior Art Rejections**

[0005] Claims 1-4, 6-7, 9-10, 12-14, and 17 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Publication No. 2002/0120588 to Preist et al., (hereinafter, Preist). Claim 8

is rejected under 35 U.S.C. §103(a) as obvious over Preist further in view of U.S. Publication No. 2001/0032175 to Holden et al., (hereinafter, Holden). Applicants respectfully traverse these rejections based on the following discussion.

[0006] Preist, alone or in combination with Holden does not disclose, teach or even suggest at least the features of: 1) specifying, by a user, initial requirements for initiating trading among trading parties in said online market; 2) executing a multi-party trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the initial requirements of the user, wherein the multi-party trading mechanism comprises one of a continuous double auction, a call market, an ascending price auction, a descending price auction, a first price sealed bid auction, a uniform second price auction, and a reverse auction conducted by the user and the trading parties; 3) selecting a first trading offer from the trading offers of said multi-party trading mechanism; 4) invoking standalone bilateral negotiations, which stand apart from the multi-party trading mechanism, to arrive at customized trading offers, the standalone bilateral negotiations being invoked with the trading parties who submitted trading offers; 5) repeating said executing of said multi-party trading mechanism, and either said selecting of said trading offers of said multi-party trading mechanism or said invoking said standalone bilateral negotiations to obtain either attractive and feasible trading offers from the multi-party trading mechanism or said customized trading offers from the standalone bilateral negotiations, respectively; 6) evaluating the attractive and feasible offers from the multi-party trading mechanism or the customized trading offers from the standalone bilateral negotiations by any of a utility function based on multiple attributes of a traded good or a traded service, a user-specified weights associated with the traded good or the traded service, and a user-specified costs

associated with the multiple attributes of the traded good or the traded service; and 7) concluding trading deals based on evaluated attractive and feasible offers from the multi-party trading mechanism or the customized trading offers from the standalone bilateral negotiations, whereby said multi-party trading mechanism and said standalone bilateral negotiations are combined, as recited in independent claim 1 and similarly recited in independent claims 6, 7, 12 and 17.

[0007] In contrast, Preist merely describes a computer system for allowing negotiation between a plurality of entities... wherein the computer node is operable to implement a plurality of negotiation rule sets, each rule set constraining the negotiation activities to a specific negotiation type, thereby allowing a plurality of negotiation types to be selected by an entity. (see for example, Preist, Abstract) This allows Preist “[t]o model one-to-one negotiation as a particular case of many-to-many.” (see for example, Preist, p. 3, para 56) Examples of rules include “[s]hop front take it or leave it” negotiation rules. (see for example, Preist, p. 4, para 87)

[0008] Independent claims 1, 6, 7, 12 and 17 therefore define patentable subject matter over Preist. Claims 2-4, 9-10 and 13-14 depend from claims 1, 7 and 12 and therefore define patentable subject matter for at least the same reasons.

[0009] The Communication admits that Preist does not disclose a repository containing information related to past trading deals; and a repository containing information related to the trading parties, as recited in dependent claim 8. Applicants agree. However, the Communication attempts to cure these admitted deficiencies by combining Preist with Holden.

[0010] Holden describes facilitating auctions by providing a world-wide-web interface that facilitates communication of auction related information among participants. Holden's system simply fails to even address the noted deficiencies of Preist. Thus, claim 8 defines

patentable subject matter over Preist, either alone or in combination with Holden.

[0011] The claimed invention, as provided in amended independent claims 1, 6-7, 12, and 17 contain features, which are patentably distinguishable from the prior art references of record.

[0012] Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings, and no new matter is being added. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

### **III. Formal Matters and Conclusion**

[0013] Claims 1-4, 6-10, 12-14, and 17 are pending in the application.

[0014] With respect to the rejections of the claims over the cited prior art, Applicants respectfully argue that the present claims are distinguishable over the prior art of record. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

[0015] In view of the foregoing, Applicants submit that claims 1-4, 6-10, 12-14, and 17, all the claims presently pending in the application, are patentably distinct from the prior art of records and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest time possible.

[0016] Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

[0017] Please charge any deficiencies and credit any overpayments to Attorney's Deposit  
Account Number 09-0441.

Respectfully submitted,

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